

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Final Official Action, the Examiner rejects claims 35-54 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,766,189 to Matsuno (hereinafter "Matsuno").

In response, independent claims 35 and 45 have been amended to clarify their distinguishing features. Furthermore, dependent claims 36-44 and 46-54 have been amended to be consistent with their amended base claims, 35 and 45.

Specifically, independent claims 35 and 45 have been amended to clearly indicate the clipping device as being disposable by amending the preamble to recite a "disposable clipping device." Furthermore, the body of claims 35 and 45 have been amended to support the newly recited preamble. Specifically, claims 35 and 45 have been amended to recite that (1) the clipping device including the sheath member, the actuating wire and the coupling member is disposable and (2) the coupling member is nondetachably fixed to the actuating wire and the actuating wire and the coupling member are integrally formed. The present amendment to claims 35 and 45 are fully supported in the original disclosure. Thus, no new matter has been entered into the disclosure by way of the present amendment to claims 35 and 45. Furthermore, the issue of being disposable was fully raised in the previous response. Thus, no new issues have been raised by way of the present amendment to claims 35 and 45. Therefore, the Examiner is respectfully requested to enter and consider the present amendment to claims 35 and 45.

In the previous response, Applicants distinguished over the previously cited references by adding new independent claims 35 and 45 which recited a clipping device

which is “disposable” and that “the coupling member is nondetachably fixed to the actuating wire, and when the clip clips tissue, the clipping member is rendered irreclaimable or deformed into an irreclaimable state while being kept fixed with the actuating wire, released from the clip unit, and remains at the distal end of the actuating wire.”

Furthermore, in the previous response, Applicants indicated the advantages over the prior art devices resulting from the claimed clipping devices, such indications from the previous response are incorporated herein by reference. Specifically, because of the feature “the coupling member is nondetachably fixed to the actuating wire, and when the clip clips tissue, the clipping member is rendered irreclaimable or deformed into an irreclaimable state while being kept fixed with the actuating wire, released from the clip unit, and remains at the distal end of the actuating wire,” the clipping device is intentionally configured such that the clip unit cannot be attached to the coupling member again.

As discussed above, independent claims 35 and 45 have been amended to clarify their distinguishing features. Furthermore, dependent claims 36-44 and 46-54 have been amended to be consistent with their amended base claims, 35 and 45.

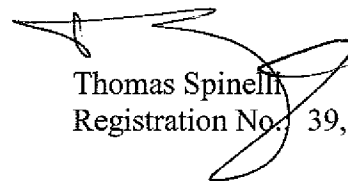
Specifically, independent claims 35 and 45 have been amended to further clarify that the clipping device including the sheath member, the actuating wire and the coupling member is disposable and the coupling member is nondetachably fixed to the actuating wire and the actuating wire and the coupling member are integrally formed. Matsuno simply does not disclose or suggest such features. Matsuno is directed to providing a clip device which simplifies handling of the clips before they are left on the tissue and reliably grasping the tissue without injuring the tissue during treatment. Applicants find no teaching or suggestion in Matsuno that the instruments disclosed therein are disposable or are

rendered inoperable as discussed above or having the features newly added to claims 35 and 45.

With regard to the rejection of claims 35-54 under 35 U.S.C. § 103(a), independent claims 35 and 45, as amended, are not rendered obvious by the cited reference because the Matsuno patent whether taken alone or in combination with the knowledge of those of ordinary skill in the art, does not teach or suggest a disposable clipping device having the features discussed above and recited in independent claims 35 and 45. Accordingly, claims 35 and 45, as amended, patentably distinguish over the prior art and are allowable. Claims 36-44 and 46-54, being dependent upon claims 35 and 45, are thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 35-54 under 35 U.S.C. § 103(a).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,


Thomas Spinelli
Registration No. 39,533

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343
TS:cm